

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**KAREN MARTIN**

**PLAINTIFF**

**VS.**

**1:07CV91-SA-JAD**

**PEPSIAMERICAS, INC.**

**DEFENDANT**

**ORDER**

Pursuant to an opinion issued on this day, the Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction [82] is **GRANTED**, and this case is closed.

Accordingly, Plaintiff's Motion in Limine [94] and Defendant's Motion for an Extension of Time [98] are denied as moot.

Further, the Court withdraws the portions of its earlier opinions addressing the appropriate statute of limitations to be applied to Plaintiff's claim [67], whether Defendant is entitled to a set-off [67], and the amount of the set-off [77].

So **ORDERED** this, the 3<sup>rd</sup> day of December, 2009.

**/s/ Sharion Aycock**  
**U.S. DISTRICT COURT JUDGE**